

DECISION

Chalpin
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548 *27648*

FILE:

B-214428

DATE:

March 12, 1984

MATTER OF:

Research Planning Institute, Inc.

DIGEST:

1. Where an option is exercisable at the discretion of the government, the decision not to exercise the option is a matter of contract administration which GAO will not review under its bid protest function.
2. Protester will not be considered an interested party to protest bias in favor of an offeror since the protester did not submit an offer and, therefore, was not eligible for award.

Research Planning Institute, Inc. (RPI), protests any award of a contract under request for proposals (RFP) No. 84-4 issued by the Peace Corps for warmwater fisheries training. RPI was the incumbent contractor under a contract with the Peace Corps during 1983 with two 1-year options for the same services. The Peace Corps decided not to exercise the option for 1984 and, instead, issued the instant RFP. RPI did not submit a proposal under the instant RFP.

We dismiss the protest.

First, RPI contends that the Peace Corps stated that it did not exercise the option due to RPI's failure to satisfactorily perform the basic contract but that, in fact, the Peace Corps had repeatedly informed RPI during performance that RPI was satisfactorily performing. However, where the option provision of a contract is exercisable at the sole discretion of the government, we will not consider the incumbent contractor's contention that the agency should exercise the option. Whether to do so is a matter of contract administration which is outside the scope of our bid protest function. Bell & Howell Datatape Division, B-212989, September 21, 1983, 83-2 CPD 356.

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Second, RPI asserts that an individual proposed as a principal of one of the offerors under the instant RFP had been an employee of the Peace Corps until 1 day before the due date for submission of initial proposals and that the particular offeror's performance had been a topic of discussion among Peace Corps personnel involved in the evaluation of proposals. RPI thus alleges that the former Peace Corps employee exerted prejudice for the particular offeror.

Under our Bid Protest Procedures, a party must be "interested" before we will consider its protest allegations. 4 C.F.R. § 21.1(a) (1983). Whether a party is sufficiently interested depends upon the degree to which its interest in the outcome is both established and direct. In general, we will not consider a party's interest to be sufficient where that party would not be eligible for award, even if the issues raised were resolved in its favor. The Wenninger Company, Inc., B-205093.3, August 10, 1983, 83-2 CPD 194.

In our opinion, RPI does not have a sufficient interest in the instant RFP to contest bias in favor of an offeror. RPI did not submit a proposal and, therefore, is not eligible for award. Thus, we will not consider RPI's protest with respect to this RFP.

We dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel